

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, OCTOBER 18, 2006**

**C-1     CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of October 18, 2006, was called to order by Mayor Hitchcock at 6:30 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, Deputy City Clerk Perrin, and City Clerk Johl

**C-2     ANNOUNCEMENT OF CLOSED SESSION**

a) Actual Litigation: Government Code §54956.9(a); one case; *Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al.*, Superior Court, County of San Francisco, Case No. 323658

b) Actual Litigation: Government Code §54956.9(a); one case; *People of the State of California; and the City of Lodi, California v. M & P Investments, et al.*, United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM

**C-3     ADJOURN TO CLOSED SESSION**

At 6:30 p.m., Mayor Hitchcock adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:55 p.m.

**C-4     RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:01 p.m., Mayor Hitchcock reconvened the City Council meeting, and City Attorney Schwabauer disclosed that Item C-2(a) was discussion only and Item C-2(b) was not discussed.

**A.     CALL TO ORDER / ROLL CALL**

The Regular City Council meeting of October 18, 2006, was called to order by Mayor Hitchcock at 7:01 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, Deputy City Clerk Perrin, and City Clerk Johl

**B.     INVOCATION**

The invocation was given by Reverend Michael Voytek, Providence Reformed Church.

**C.     PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Hitchcock.

**D.     AWARDS / PROCLAMATIONS / PRESENTATIONS**

D-1 (a) Following introductory comments by Joseph Wood, Community Improvement Manager, Mayor Hitchcock presented the Community Improvement Award to Gerry and Valerie Phillips, owners and residents of 930 S. Central Avenue, for their efforts in improving and maintaining the appearance of their property.

D-2 Proclamations – None

D-3 Presentations – None

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Johnson, Beckman second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- E-1 Claims were approved in the amount of \$5,404,572.47.
- E-2 The minutes of August 16, 2006 (Regular Meeting) and September 19, 2006 (Shirtsleeve Session) were approved as written.
- E-3 Approved the plans and specifications and authorized advertisement for bids for roof replacement improvements at Legion Park, 835 South Hutchins Street, and Kofu Park, 1145 South Ham Lane.
- E-4 Adopted Resolution No. 2006-183 awarding contract for Traffic Signal Preventive Maintenance and Repair Program, Fiscal Year 2006-07, to Republic ITS, of Novato, CA, in the amount of \$18,894, and appropriating funds for on-call traffic signal repairs in the amount of \$20,000.
- E-5 Adopted Resolution No. 2006-184 authorizing the Fee Payment Agreement for 2223 West Kettleman Lane and authorizing the City Manager and City Clerk to execute the standard fee payment agreement on behalf of the City.
- E-6 Adopted Resolution No. 2006-185 approving Hold Harmless Agreement with Lodi Unified School District for temporary placement of six portable classrooms on north Grape Bowl parking lot.
- E-7 Adopted Resolution No. 2006-186 authorizing the City Manager to enter into a professional services agreement with Power Engineers, Inc. of Hailey, ID, in the amount of \$115,819, for engineering and design of the scaled-back rehabilitation of Killelea Substation and to reject all other design/engineering proposals.
- E-8 "Authorize the City Manager to execute a land lease with the Community Partnership for Families of San Joaquin for construction of a Family Resource Center at Blakely Park" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-9 Adopted Resolution No. 2006-187 authorizing the City of Lodi to endorse the California Memorandum of Understanding in support of the National Action Plan for Energy Efficiency.
- E-10 Adopted Resolution No. 2006-188 authorizing the City Manager or designee to execute standard Electrical Interconnection and Co-Energy/Net Energy Metering Payment Agreements and adopting the standard form of said Agreements.
- E-11 Adopted Resolution No. 2006-189 authorizing the receipt of \$23,000 in grant funding from the State Department of Housing and Community Development.
- E-12 Set public hearing for November 1, 2006, to consider the following (CD):
  - a) Certify the Lodi Annexation Environmental Impact Report for the Southwest Gateway Project (including "other annexation areas") and Westside Project
  - b) Approve the Southwest Gateway Project, which includes an annexation; pre-zoning; amendment to the Bicycle Transportation Master Plan; and Development Agreement; to incorporate 305 acres into the City of Lodi (257 acres with the Southwest Gateway Project area and 47.79 contiguous acres outside the Project); to allow construction of 1,300 dwelling units, 5 neighborhood/community

parks, and a public elementary school on the west side of Lower Sacramento Road, south of Kettleman Lane, north of Harney Lane

Including a City initiated request for the "other annexation areas" (47.79 acres) for annexation, General Plan Amendment from a land use designation of PR (Planned Residential) to MDR (Medium Density Residential), and a pre-zoning of RMD (Residential Medium Density) to avoid creation of a county island

- c) Approve the Westside Development Project, which includes an annexation; pre-zoning; amendment to the Bicycle Transportation Master Plan; Development Agreement; and an amendment to the Westside Facilities Master Plan to incorporate 151 acres into the City of Lodi to allow construction of 750 dwelling units, 3 neighborhood/community parks, and a public elementary school at 351 East Sargent Road, 70 East Sargent Road, 212 East Sargent Road, and 402 East Sargent Road

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#### ACTION ON ITEM REMOVED FROM CONSENT CALENDAR

- E-8 "Authorize the City Manager to execute a land lease with the Community Partnership for Families of San Joaquin for construction of a Family Resource Center at Blakely Park"

Mayor Pro Tempore Johnson pulled Item E-8 for further discussion.

Mayor Pro Tempore Johnson expressed various concerns regarding the proposed lease including those associated with mental health treatment at the facility, a public park located next to the youth facility, 50% usage capacity, probation services, and abandonment for a year. He also suggested six months would be a better time frame for leaving the building vacant should the program end.

Mayor Hitchcock stated she was concerned with the 50% capacity potential. She also stated the probation officer works closely with children already on probation in the surrounding schools.

Mayor Pro Tempore Johnson stated the probation, lease terms, mental health uses and other fine points should be clearly spelled out in the lease.

City Attorney Schwabauer advised that the language in the lease provides the City Council with an ability to approve, strikeout, or otherwise lockout specific uses.

City Manager King stated the 50% amount was set forth as a limitation to ensure the programs offered currently will continue to be offered in the future. He also stated that the 50% provides that no more of the space may be dedicated to a particular use; although, the City Council can decrease that amount or prohibit a particular use outright.

Mayor Pro Tempore Johnson stated he preferred to discuss alternatives and options for filling the gaps if certain uses were prohibited and a shorter abandonment time period at a future meeting.

Council Member Mounce stated she has the same concerns as Mayor Pro Tempore Johnson and two additional concerns. The two additional concerns pertained to a shorter overall lease term, in lieu of the 55 years, and maintenance problems with an outdated facility at the end of the term. She suggested returning the facility to a park if the partnership no longer needs the facility. Ms. Mounce preferred the item be brought back to Council after the concerns are addressed.

Council Member Hansen stated he is not opposed to addressing concerns but would prefer to take action on the matter tonight. He stated the persons running the program will ensure

employees are not endangering the public and the Boys and Girls Club has a similar 55 year lease. Mr. Hansen stated he agreed with reducing the abandonment period to six months and would like to move forward.

Mayor Pro Tempore Johnson stated the present situation is not similar to the County jail program because the persons working in the parks are screened by the Sheriff's Department and are convicted of non-violent and benign crimes.

Council Member Beckman stated he agreed with the six-month abandonment term and inquired about prior approval regarding use flexibility. City Attorney Schwabauer advised there is an implied duty to allow reasonable use and the City Council may tighten up the uses so long as the modifications are reasonable.

PUBLIC COMMENTS:

- Robina Asghar, Executive Director of Community Partnership for Families of San Joaquin (CPF), provided a brief overview of the program. In addressing particular concerns, Ms. Asghar stated probation officers work on youth grounds and serve families and children in the Family Resource Center (Center). She stated they do not bring in criminals to the Center and mental health services refer to the counseling services offered to families and children.

Council Member Hansen inquired about the specifics of the probation program. Ms. Asghar stated there is no invitation to adults who are on probation and the program provides supervision. Mr. Hansen asked if the probation program played more of a preventive and supportive role. Ms. Asghar replied yes. Mr. Hansen inquired about the peacekeeper program for gang outreach. Ms. Asghar stated the peacekeepers work with children who are in gangs or subjected to gangs. She stated peacekeepers work with Lodi Unified School District directly and are not housed at the Center.

Mayor Pro Tempore Johnson indicated Ms. Asghar has reasonable responses to the Council's concerns, the solutions should be clearly written into the lease, and the lease should be brought back to Council if it cannot be rewritten tonight.

Council Member Mounce stated she still has concerns regarding the 55-year term and building maintenance at the end of the lease.

Mayor Hansen stated the lease cannot be rewritten from the dais, agreed that the six-month abandonment period is sufficient, suggested a lease term reduction to 25 to 30 years and urged the revised lease be brought back to Council at the next meeting.

Mayor Hitchcock requested clarification regarding uses. City Attorney Schwabauer advised the uses are spelled out in the lease and the Council would need to amend the lease now in order to effectuate any proposed changes or restrictions to the mental health, probation, and gang outreach uses.

MOTION:

Council Member Beckman made a motion, Hansen second, to authorize the City Manager to execute a land lease with the Community Partnership for Families of San Joaquin for construction of a Family Resource Center at Blakely Park, with an amendment to the language in the lease regarding abandonment/cessation of use by CPF to be for a continuous period of six months, rather than 360 days.

Mayor Pro Tempore Johnson stated he is not prepared to approve the matter tonight and suggested Ms. Asghar meet with the City Attorney to revise the lease as needed.

MOTION WITHDRAWN:

Council Member Hansen stated he can support continuing the item for language modifications as long as the matter comes back to Council at the next meeting. Mayor Hitchcock suggested the matter be placed on the Consent Calendar for the next City Council meeting. Council Member Hansen withdrew his second, and the motion **died** for lack of a second.

City Attorney Schwabauer stated he was generally clear on the direction Council wanted to take and asked for specific direction regarding building maintenance. Council suggested a form of security, such as a rehabilitation bond, be researched.

The matter was continued to the November 1, 2006 City Council meeting.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Woody Alspaugh spoke in opposition to the potential development of the greenbelt area between Stockton and Lodi. He provided a description of transfer development rights and requested that the City remain apprised of related issues.
- Chuck Easterling spoke in favor of stronger law enforcement efforts to control vagrancy within the City. Mr. Easterling spoke specifically of his concerns regarding vagrancy in the downtown area on Sacramento Street between Pine and Elm Streets and suggested the matter be reviewed by the City Council at a regular meeting. Council Member Hansen stated the aggressive solicitor ordinance is coming before the Council shortly and the ordinance may have some overlap, but it focuses on a different issue. Mayor Hitchcock suggested the ordinance come back to Council in the near future.
- David Johnson spoke in opposition to a recent decision by SPARC to overturn conditions of his use permit. Mr. Johnson stated he addressed the City Council last month on the same issue and due to a lack of a response, is requesting the matter be put on a shirtsleeve session or Council agenda before November 7, 2006. Mayor Hitchcock stated staff is working on the matter and Mr. Johnson's patience is appreciated.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Pro Tempore Johnson urged the public to attend the Candidate's Forum at Hutchins Street Square and complimented the Fire Department in its handling of the fire on Pine Street.
- Mayor Hitchcock stated she attended the annual arts open house, which was a great success.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- In regard to the vagrancy concerns, City Manager King stated the aggressive solicitation ordinance and the loitering ordinance will be coming before the City Council shortly. Mr. King stated the Police Department is continuing to look at loitering in the downtown area and may be addressing the matter by way of an anti-camping ordinance.

In regard to David Johnson's comments, City Manager King stated the matter is on the looking ahead schedule and is prioritized with additional citizen requests. Mr. King stated it is difficult to process and manage the numerous issues that arise, but staff is trying to address the matter in an expeditious manner.

City Manager King introduced new City Clerk Randi Johl.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider adopting resolution levying annual (2007) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership 2006-07 Annual Report (as approved by Council on October 4, 2006).

Mayor Hitchcock reviewed the mechanics of the hearing procedure requesting business owners in the affected area protesting the proposed levy to speak first for the ease of recording the formal protest, followed by general public comments on the matter.

City Manager King stated the item is a follow-up action item to a work plan submitted by the Downtown Lodi Business Partnership (DLBP) and the process requires the City Council to conduct a public hearing. Mr. King stated the City Council must open the public hearing and close it within thirty (30) days. He also stated an ordinance will be brought back to Council at a later date.

Chuck Easterling, President of the DLBP, provided an overview and history of the financial statements submitted to the City Council, which were submitted as part of the record. Mr. Easterling discussed topics including, but not limited too, coinciding the statements with the DLBP and City fiscal years, public access to the financial statements, Brown Act compliance for Board meetings, making and correcting mistakes by an all-volunteer Board and paid staff of two, an increase in fees to account for inequities, proposed 20% increase to offset City funding, layout of funds in the financial statement, and general promotion and improvement of the downtown business area.

Mayor Hitchcock stated she has seen positive changes in the downtown area over the years and asked how long it has been since the last increase. Mr. Easterling replied assessments have never been raised in the DLBP's eight year existence.

Council Member Hansen stated his prior comments may have been misunderstood and suggested there may be a better way to perform similar functions without bureaucratic oversight. Mr. Easterling analogized the Lincoln Center scenario stating it is not a similar situation because the DLBP does not have access to similar resources. Council Member Hansen stated the timing is good to reassess the process to ensure success can be achieved within a large group of diverse and independent business owners.

Council Member Mounce thanked Mr. Easterling for the revised financials and stated she did not believe the DLBP was involved in any wrongdoing. Mr. Easterling stated recovery will be difficult and the job of the DLBP is to manage downtown affairs, but it has become more of an event organization. Mr. Easterling stated it is difficult to do capital improvements and street clean-ups when baselines are so low, and any alternative is going to involve costs to businesses.

Council Member Beckman stated the problem appears to be within the ordinance and inquired about the status of the organization's existence. City Attorney Schwabauer stated the organization is funded through June 2007, but it will not be able to carry itself from January to June 2007 if the assessment is not approved. Mr. Schwabauer stated the organization will legally exist but will have no funds to operate. Mr. Easterling stated the three remaining events are service related and give back to the community.

Mayor Hitchcock stated she would hate to see funding cut off because the organization did improve the downtown area over the last eight years. She stated it is difficult to operate a business on a shoestring budget with no increases over the last eight years.

#### Hearing Opened to the Public

*NOTE: Hearing opened to receive formal protests against the levy of assessment.*

- Russ Daniels (Stogie's Cigar Lounge) protested against the proposed increase based on his concerns of a lack of benefit to the businesses on the outer edge of the district boundaries and two businesses operating with the same name.

*NOTE: Protest portion of the hearing closed.*

RECESS

At 8:45 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 8:55 p.m.

I. PUBLIC HEARING (Continued)

I-1 *NOTE: Hearing portion remained open to receive general comments regarding the subject matter.*  
(Cont'd.)

- Peter Westbrook spoke in favor of the proposed increase based on his support of the DLBP and their efforts in the community over the years.
- Ramona Henninger spoke in opposition of the proposed increase based on her concerns of inequities in zoning and DLBP's poor business relations with other businesses.
- Bryan Hayn spoke in opposition of the proposed increase based on his concerns of vacancies on Sacramento Street, DLBP's poor business relations with other businesses, financial accounting, and openness of Board meetings. Mayor Hitchcock asked Mr. Hayn if he attends Board meetings. Mr. Hayn stated he does not attend but he did provide ideas to his sister, the former DLBP president.
- Russell Smith spoke in opposition to the proposed increase based on his concern of a lack of communication by DLBP with its members. Council Member Hansen asked Mr. Smith if he received any information regarding the assessment when he purchased the business eighteen months prior. Mr. Smith replied he was told about the assessment but did not receive any literature from the City or DLBP.
- Trina Anderson spoke in opposition of the proposed increase based on her concerns of DLBP's poor business relations with other businesses, lack of oversight, inequities between businesses based on event location, and financial practices.
- Pat Patrick, President of the Chamber of Commerce, spoke in support of the proposed increase pursuant to the Chamber's policy to support the DLBP and assist in making it a successful organization. Mr. Patrick suggested a focus group assess the best way to move forward and work together to ensure the success of the downtown area. Council Member Hansen asked Mr. Patrick if he believes businesses benefit from the DLBP. Mr. Patrick stated while he can better speak about the Chamber's events, some businesses might benefit more than others from the DLBP events. Mayor Hitchcock suggested some businesses may indirectly benefit simply by other businesses being located in the area.
- Maureen Williams spoke in opposition to the proposed increase based on concerns of zoning and event exposure, inequities for Sacramento Street business owners and DLBP's poor business relations and practices. She requested an audit be performed before an increase is implemented. Council Member Hansen inquired about Ms. Williams' event. Ms. Williams stated she did not know if the DLBP included her event as their own.
- Tilly Easterling spoke in favor of the proposed increase based on her support of the improvements made in the downtown area over the last several years. She stated there is a collateral benefit to all businesses because businesses would not exist without one another and urged everyone to get involved with the DLBP to work together to address concerns.

- Greg Solligan spoke in favor of the proposed increase based on his support of the DLBP as a volunteer organization with minimal resources and encouraged business owners to serve on the Board.
- Nancy Hauan, Treasurer of the DLBP, stated she was not paid to audit the books, an informal audit was done by Aletha Cochran, tax returns are done by a district member, and payroll is done by an outside agency. Mayor Hitchcock inquired about the concerns voiced at the meeting. Ms. Hauan stated she would need to review the information.

Council Member Mounce inquired about the money received at the Farmers Market. Ms. Hauan and Mr. Easterling stated the proceeds are received by the Beer and Wine Company and then given to the DLBP. Ms. Mounce suggested reviewing the event income to determine whether or not the event is worth doing.

- Peter Westbrook stated every transaction at the Beer and Wine Garden is cash and the process probably needs to be reviewed. He also stated special events create a collateral benefit by bringing awareness to the downtown area.
- Chuck Easterling stated the two schools of thought are events create synergy and everyone benefits or it takes away from businesses because merchants sell their own products. He stated the DLBP did a sponsorship fee for the Beer and Wine Garden this year. He stated due to Alcoholic Beverage Control (ABC) requirements, the vendor does set up, collects proceeds directly, turns the proceeds over to the DLBP, and DLBP writes a check for the product. Mr. Easterling stated they get approximately \$5,000 for beer and wine. He also refuted earlier claims regarding business practices and zoning inequities.

Council Member Johnson asked why the income of \$5,000 for a sponsorship fee was not listed. Mr. Easterling stated the process for the Beer and Wine Garden is set up to meet the requirements of the ABC and the license.

Council Member Hansen confirmed the cash collection was based on ABC requirements and asked if the one that owns makes a profit. Mr. Easterling replied yes.

Mayor Hitchcock suggested rotating the sponsorship and Mr. Easterling agreed it was a good idea and stated as of the current time no other person wanted to do it.

- David Johnson spoke in opposition to the procedures associated with handling cash at the Beer and Wine Garden.
- Trina Anderson stated DLBP was not in compliance with the financial obligations imposed upon it as a 501c(6) business.
- Brian Hayn stated the process for allowing Lodi Beer and Wine Company to have the Beer and Wine Garden is flawed and suggested a review of the same.
- Roger Remche, owner of Lodi Beer and Wine Company, provided a brief history of how and why the business began holding the Beer and Wine Garden, stated the \$5,000 amount was a benchmark set by the previous company, and suggested that logistically it makes sense to hold the event where it is.

#### Public Portion of Hearing Closed

Council Member Hansen inquired about the number of businesses that protested. Deputy City Clerk Perrin replied approximately 100.

MOTION #1 / VOTE:

The City Council, on motion of Council Member Mounce, Hitchcock second, unanimously certified the results of the protest hearing as follows:

Averaged total weighted assessment:	37,450
50% of the weighted assessment:	18,725
Protest fails at:	10,163 (equivalent to 27.14%)

Discussion ensued among the City Council and City Manager King regarding the difficulty of making a decision, how the DLBP evolved, the need for an audit, minority and majority concerns, business improvement district history, and the City facilitating a solution between the two groups.

MOTION #2:

Mayor Hitchcock made a motion to adopt resolution levying annual (2007) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership (DLBP) 2006-07 Annual Report. The motion **died** for lack of a second.

MOTION #3:

Mayor Pro Tempore Johnson made a motion, Mounce second, to approve the DLBP 2006-07 Annual Report, with the elimination of the levy of assessment. City Attorney Schwabauer pointed out that it was unnecessary to approve the DLBP Report, as it was previously approved at the regular Council meeting of October 4, 2006.

MOTION #4 / VOTE:

Council Member Mounce made a motion, Johnson second, to adopt a resolution levying annual (2007) assessment, without the proposed 20% increase, and confirming the DLBP 2006-07 Annual Report; and further to require the DLBP to have a full audit performed on its financial records in order to address the concerns of the business owners and review the matter in six months to determine whether or not to assess the 20% increase. The motion **failed** by the following vote:

Ayes: Council Members – Johnson and Mounce

Noes: Council Members – Beckman, Hansen, and Mayor Hitchcock

Absent: Council Members – None

Council Member Beckman suggested tabling the item to modify the structure of the organization. City Manager King stated the two camps associated with business improvement districts are the “David Kilborn Model” and “Marco LiMandri Model” and stated the City’s current set up is based on the Kilborn model. Mr. Beckman suggested contacting Marco LiMandri.

MOTION #5:

Council Member Beckman made a motion to direct the City Manager to contact Marco LiMandri regarding the possibility of contracting with him as a consultant to address the issues brought forward by the business owners. The motion **died** for lack of a second.

City Attorney Schwabauer advised that tabling the matter past September would result in operational difficulties for the DLBP because it would legally exist but there would be no funding.

Council Member Johnson inquired about holding the current level assessment while providing research time for the LiMandri model. City Attorney Schwabauer stated the legal mechanism to do that is to approve the existing assessment and return in six months with a revised assessment, which would require additional procedures.

MOTION #6 / VOTE:

The City Council, on motion of Council Member Hansen, Hitchcock second, adopted Resolution No. 2006-190 levying annual (2007) assessment for Downtown Lodi Business Improvement Area No. 1, as submitted (i.e. including the 20% increase in the assessment), and confirming the DLBP 2006-07 Annual Report. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, and Mayor Hitchcock

Noes: Council Members – Johnson and Mounce

Absent: Council Members – None

Further, Council Member Hansen suggested that the DLBP address the issues raised by the property owners and that it review other potential models under which it could be formulated.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

Mayor Pro Tempore Johnson made a motion, Hitchcock second, to continue with the remainder of the meeting following the 11:00 p.m. hour. The motion **failed** by the following vote (requires a four-fifths vote):

Ayes: Council Members – Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – Beckman and Mounce

Absent: Council Members – None

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 Appointments – None

J-3 Miscellaneous – None

K. REGULAR CALENDAR

K-1 “Authorize the City Manager to execute agreement with property owner for watershed mural at 207 West Oak Street” was ***pulled from the agenda pursuant to the above vote.***

K-2 “Adopt resolution authorizing the City Manager to accept a grant award for the Railroad Corridor Transit Oriented Development (TOD) Plan from the California Department of Transportation (Caltrans) in the amount of \$75,000 with an in-kind contribution of \$9,250 and a fiscal contribution of \$9,500 and to execute all necessary agreements; and upon execution of the grant by Caltrans, authorize the City Manager to solicit proposals from qualified consultants to prepare a Railroad Corridor TOD Plan in a designated area downtown” was ***pulled from the agenda pursuant to the above vote.***

K-3 “Adopt resolution authorizing the City Manager and Electric Utility Director to procure energy and/or natural gas for fiscal year 2007-08 at a cost not to exceed \$25 million” was ***pulled from the agenda pursuant to the above vote.***

K-4 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel (\$11,309.23) was ***pulled from the agenda pursuant to the above vote.***

L. ORDINANCES

None.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:14 p.m.

ATTEST:

Randi Johl  
City Clerk